

**PARKS AND CULTURAL AFFAIRS COMMITTEE**  
**of the**  
**SUFFOLK COUNTY LEGISLATURE**

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**Minutes**

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A regular meeting of the Parks and Cultural Affairs Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Wednesday, **August 18, 2004.**

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**MEMBERS PRESENT:**

Legislator Jay Schneiderman • Chairperson

Legislator Michael Caracciolo • Vice•Chair

Legislator Cameron Alden

Legislator Angie Carpenter

Legislator Vilorio•Fisher

Legislator Ricardo Montano

Legislator O'Leary

Legislator Jon Cooper

**ALSO IN ATTENDANCE:**

Mea Knapp • Counsel to the Legislature

Ronald Foley • Chief Deputy Commissioner of Parks

Sean Clancy • Budget Review Office

Charlie Bender • Aide to P.O. Caracappa

Elizabeth Harrington • County Attorney's Office

Jacqueline Caputi • County Attorney's Office

George Fernandez • Nassau•Suffolk Horsemen's Association

Doctor Cyla Allison • Nassau•Suffolk Horsemen's Association

All other interested parties

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MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

**(\* THE MEETING WAS CALLED TO ORDER AT 11:45 A.M. \*)**

**CHAIRMAN SCHNEIDERMAN:**

I'd like to call the meeting to order. If you all will rise and join us in the Pledge of Allegiance led by Legislator Caracciolo.

**SALUTATION**

**CHAIRMAN SCHNEIDERMAN:**

Okay. We have no public hearings today. I do have one yellow card for the public portion, George Fernandez, if you will step up to the podium. George Fernandez.

**MR. FERNANDEZ:**

Hi. Did I actually have to fill a card out? I wasn't sure to tell you the truth.

**CHAIRMAN SCHNEIDERMAN:**

Well, you did. That's the right protocol.

**MR. FERNANDEZ:**

This is a reference to the ATV Task Force.

**CHAIRMAN SCHNEIDERMAN:**

This is your time to speak.

**MR. FERNANDEZ:**

Oh, it is.

**CHAIRMAN SCHNEIDERMAN:**

You have three minutes.

**MR. FERNANDEZ:**

Well, I don't know that I have too much to say other than I'd be more than happy to sit on the ATV Task Force representing the Long Island Greenbelt Trail Conference. Unless you have any questions for me, I just wanted to let you know that I am actually quite honored to be in a position to do something about something that I've been quite concerned about for many years.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Caracciolo.

**LEG. CARACCILO:**

Thank you, Mr. Chairman. First, George, let me thank you for being present. As I understand there is also a representative here from the Nassau•Suffolk Horsemen's Association, two of the member groups, if you will, that would be added to ATV Task Force, which was approved by the Legislature at its May 11th meeting, which •• but has yet to meet. And there is also on today's agenda for those who are on the committee and aware of this and those who are not, another resolution to extend the report deadline by that task force from the October 1st, '03 •• '04 time period out to March 15th of '05 given the fact that the committee has not been formulated yet.

In that context as we discussed at the last committee meeting, these two representative groups, which do a lot of stewardship for the County in our parks system, had requested initially to be included in this task force. Given the fact that the •• there's been a delay in the formation and beginning of the work of the park task force •• the ATV Park Task Force, I felt it was still appropriate to put forth two representatives of these groups. And at the last committee meeting and at the Legislative meeting, it was suggested that we hear directly from those two member organizations, Nassau•Suffolk Horsemen's and from the Long Island Greenbelt Trail Conference as to whether or not they wanted to participate. So having said that, George, a letter is being distributed from the Nassau•Suffolk Horsemen's Association as well as a letter from yourself informing the committee and the members of the Legislature of your desire to serve; is that correct?

**MR. FERNANDEZ:**

Yes. A letter which I kept very simple, by the way.

**LEG. CARACCILO:**

Okay. Could just elaborate with those who may not be as familiar with what the Trails Conference does for the County stewardship, just give us a brief overview?

**MR. FERNANDEZ:**

Well, the Trails Conference has been responsible for stewardship of the Long Island Trail, the Nassau•Suffolk Trail and the Pine Barrens Trail every since their inception. The group actually was responsible for placing those trails, creating those trails, so to speak, of course, with the blessings of the various land managers that we needed to work with in order to make that a reality. I, myself, have been involved extensively with the Pine Barrens Trail ever since its inception with •• many of you probably know or are familiar with Ray Corwin, who is now the Chairman of the Pine Barrens Commission, i believe that's his title.

I actually ran into Ray during a snowstorm in the back of my house, my house is right on the trail, there were actually surveying to figure out where they wanted to put it, and I became involved with the creation of that trail every since. I've been a member •• actually a board member of the Greenbelt, I was on the board for around ten years, and have been blessed, once again, I think of it as a blessing, with actually coordinating the maintenance of the entire Pine Barrens Trail from Rocky Point to Shinnecock on behalf of the Long Island Greenbelt Trail Conference.

I have been •• you know, we moved the trail around here and there. We have never had the ideal route so to speak, but I have extensive experience with certain areas such as Manorville Hills, which historically at one point in time, which was around the beginning of the '80s, allowed ORV, off•road vehicle activity, on some of DEC property in Manorville Hills. And I have been dealing with this issue ever since I became a member of the Greenbelt, ever since I helped to put the trail in, virgin section of trail, I've watched absolutely get destroyed by illegal ATV activity.

And it's very •• it's quite heartbreaking. It really •• to actually crawl around on a piece of property with clippers in hand and cut something for, you know, future generations and then to watch it absolutely destroyed to the point that you can't even walk on it any more. I actually believe that, you know, it's quite dangerous know and has nothing to do with running •• having them run you over or anything like that. It's just the conditions that they have created within

the interior of the forest. It's just terrible. It's really terrible. And it's a shame that more people can't get out there and enjoy that which is our heritage. I mean, it's magnificent in there.

I was actually able to locate a section of trail last week that is on no maps, that will become part of the future Pine Barrens Trail. But I am very hesitant to actually move the trail yet until we are •• we have the situation completely under the control. And I tell you the law enforcement community has done an outstanding job. I have at the end of each summer gone to them with reports of where a lot of this activity is coming from, and we've been able to eliminate a tremendous amount of illegal ATV activity.

That being said, there are still local people that just have not been caught over a three or four year period running the same section of trail, and it's a shame. I mean, you are hearing me talk, and it would actually be really nice, you know, to get some of the Legislators out there, because I'm lucky enough to be able to tell •• I know the plants, I'm an amateur naturalist, but I know when I hear them, and I know plants when I see them, and I'm very sensitive to the topography and how beautiful it is in there. That being said, it's just impossible for you to comprehend some of the damage that has taken place, especially in areas where the ATVs were allowed in the '80s. There was no vehicle in place for them to actually steward the property, and all they would do was going in and taking, taking, taking and giving nothing back.

And it's •• I mean, I rode on a motor bike as a kid myself, so I can't, you know •• but to do allow that type of activity and not to take responsibility for stewarding the property once you've been blessed with that opportunity, it's really •• it's terrible what can go on. There have been pictures taken of me standing in •• on a trail where the erosion is such that it's over my head. And you may all believe that to be an exaggeration, but it is not an exaggeration, and that damage is only about 20 years. So in geological time, we may be looking at another Grand Canyon in Manorville. Who the hell knows. It's just crazy. But it's really •• this is a beautiful opportunity to try to, you know, try to take care of something that's kind of spiraled out of control for a while. And, you know, what will be will be. We'll just see what happens. But that's pretty much all I have to say.

**LEG. CARACCILO:**

George, what I would appreciate and I think the committee would as well, is that the set aside of future land for an ATV park is not something that you would be opposed to, is it?

**MR. FERNANDEZ:**

No. Not at all, to tell you the God's honest truth. I have a lot of friends •• I have a very good friend •• I have very good friends that do it legally, you know. And, you know, it's frustrating for them not to have a place. They have to travel. They have to travel to do it. But that being said, I think there's an illusion because of what's going on that a majority of the people that are buying ATVs are actually using them illegally, and they are not. There are just a small handful that are creating this, you know •• it just seems like they are out of control. And to a certain extent, you know, those that are doing it illegally are out of control, because they're just •• they're, you know, they are tearing stuff up. But I do want to help to find a solution to this. I do want to see them find a place to ride. And I'm •• I'm more than happy to be a part of that process.

**LEG. CARACCILO:**

You anticipated my next and last question. So thank you for that last response.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Vilorio•Fisher.

**LEG. VILORIA•FISHER:**

This question is either to Legislator Caracciolo or Mr. Fernandez. Thank you for being here, Mr. Fernandez. During the General Meeting of last •• I guess this month, earlier this month, there was representation that the Greenbelt Conference did not want to be a part of this task force or task group, whatever it's called. Can you elaborate on that, why there had been a hesitancy initially and what has caused the change?

**MR. FERNANDEZ:**

Well, it's just •• you know, quite simply it's a volunteer organization. I mean, can they find someone who is willing to set time aside to do this? I volunteer like •• I'm involved with my civic association, I'm involved with a lot of things.

**LEG. VILORIA•FISHER:**

So what you're saying is it was just a matter of trying to find somebody to fill the spot or was it a philosophical difference?

**MR. FERNANDEZ:**

It had not to go do with philosophy. I think that •• I think that there are several individuals that really take on the brunt of all this committee work that needs to be done by the Greenbelt. And in that I've been so involved with the Pine Barrens and knew it was •• you know, knew it was going on, I had suggested that I would be more than happy to do that. And Nancy Manfredonia, who is the president, has been president for what seems like an eternity. She said, fine, go for it. So there's really little hesitation in that respect. I think that what you had heard really related to the fact that •• I have to be honest with you. There's only really maybe one other person what could have done this with the Greenbelt, and that person is just absolutely stretched out volunteering on many different committees.

**LEG. VILORIA • FISHER:**

Mike, is that your understanding, that it was because of logistics and not being able to find the personnel to do it?

**LEG. CARACCIOLO:**

I was not aware of any reason why there would not be a volunteer.

**LEG. VILORIA • FISHER:**

It was mentioned on the record at the General Meeting if you recall, so I was curious as to what their sense was. But Mr. Fernandez is saying it's because of the feeling that they have spread themselves too thin.

**MR. FERNANDEZ:**

Yeah. I wasn't even aware of that being, you know, on the record myself, but this is the only thing that I can actually •• it almost seems very obvious being involved with the Greenbelt for as many years that I have that it's tough. You know, there all volunteer types of things. There aren't a lot of people •• my wife, I mean, she cringes when I do this stuff. And believe me, I'd rather be lying in bed holding my wife's hand, then sitting, you know, at a committee meeting with a bunch of people. But that being said, I feel it's my responsibility. I feel that I'm passionate enough about these things that I do believe I can make a difference. That's why I get involved in this stuff.

**LEG. VILORIA • FISHER:**

Thank you for your work. I've done some hikes on the Greenbelt trails.

**MR. FERNANDEZ:**

You have to get out into the Pine Barrens.

**CHAIRMAN SCHNEIDERMAN:**

Thank you. Any other questions? One more, Legislator O'Leary.

**LEG. O'LEARY:**

One quick question. I note your letter of desire to sit on the task force as representative of the Long Island Greenbelt, and also, there's a second letter for the Nassau•Suffolk Horsemen's Association. The difference being of course that this is a letter from you.

**MR. FERNANDEZ:**

Right. I didn't have the letterhead with me. I didn't get a chance to •• I can very easily ••

**LEG. O'LEARY:**

That's my question. I don't want you to have to do that.

**MR. FERNANDEZ:**

No. I can do that without any problem, it's just that I wrote the letter yesterday.

**LEG. O'LEARY:**

Are the representatives of the Greenbelt Trails Conference, is it their desire to have you represent them?

**MR. FERNANDEZ:**

Yes. In fact, if anyone wants to contact the President of the Greenbelt ••

**LEG. O'LEARY:**

That won't be necessary. The only reason that I point that out is because it would have been ••

**MR. FERNANDEZ:**

I ran out of letterhead actually.



**LEG. O'LEARY:**

That's okay.

**MR. FERNANDEZ:**

There's no problem with that.

**LEG. O'LEARY:**

I just wanted to make that point.

**MR. FERNANDEZ:**

I agree with that point. I was quite embarrassed not to have the letterhead available to tell you the truth.

**CHAIRMAN SCHNEIDERMAN:**

Thank you, Mr. Fernandez. Why don't we bring up, if she wishes to speak, I know she's here, Dr. Cyla Allison. She is with the Horsemen's Association, Nassau•Suffolk Horsemen's Association. Dr. Allison.

**DR. ALLISON:**

It's Cyla. That's all right. I've been stuck with that name since •• well. Yes. Nassau•Suffolk Horsemen's Association has been out here for about 35 years and •• promoting our cultural heritage and open spaces. And, you know, I mentioned in my letter that I served on the Protective Lands Council of the Central Pine Barrens Commission since its very first meeting, which is now, oh, my God, ten years ago. And I do sit on the New York State Trails Council, I'm your representative. If you would like to tell me something, I have a meeting coming up in September. And that's a committee that by federal law is 50% motorized. And so I meet with motorized users from across the state regularly. And, of course, with the advance of e•mail, it did the Pony Express in, didn't it? I'm in contact with them all the time, and we're talking about issues and learning about things across the state that, of course, effect motorized and non motorized users of trails. I won't bore you with the rest of my resume, but I've been doing this for a long time, and it seems to me to be reasonable to work to find a way to take care of what is really a big problem here on the Island. Any questions?

**LEG. CARACCILO:**

Thank you.

**LEG. VILORIA • FISHER:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

I thank you both for coming. We have a cart before the horse issue, I used that analogy on purpose. We have not yet created the two positions on the Legislative level. So we can't appoint two individuals to two position that don't yet exist. So the creation of those two positions has been tabled before the full Legislature. So it's important that you came today. Assuming that those positions are created, we won't have to meet you again. We are all familiar with you now. But we, unfortunately, won't be able to vote on that resolution putting you on the task force today until the other resolution moves forward.

**LEG. CARACCILO:**

I have a question on that, Mr. Chairman. It seems to me that only because of the Legislative calender, we don't meet again until September 26th, when we get into the thick of the Operating Budget, but that's the next committee week •• I'm sorry, the Legislature meets the 26th, the committee week is the week prior, so it's almost one month. I thought the conversation we kind of had at the last meeting when I advanced the resolution which did meet with approval in the committee, went to the Legislature, got tabled there pending the individuals from that organization being sponsored by those organizations coming forward, which they've done today.

I would like to take this resolution and act on today so that simultaneously both will be before the Legislature. Since the task force, I would imagine, is going to be meeting sooner now rather than later, since it's almost been three months since they have yet to be organized, unless Commissioner Foley who chairs the task force tells us, no, he thinks we can wait another month to make these appointments, I would defer to that. But last time the Commissioner spoke, and I'd like him to come up now, it was •• I believe he indicated that there were only the first three appointments, Legislative appointments, had been made at our last meeting. The others were statutory appointments like himself. So maybe you can give us an update on where we stand in terms of a time table, and when do you think the ATV Force will actually get underway?

**COMMISSIONER FOLEY:**

I just noticed this morning in the mail the three appointments you mentioned. I didn't even read it. I don't know how many more have to be made. It was just those three that needed appointment. I just received this morning a letter the Presiding Officer naming the three people, I think you just referred to. I don't know how many more need to be name or if the rest are statutory.

**LEG. CARACCILO:**

Maybe Counsel could just go through the list for us. Because it would be my desire, and I would hope the majority of the committee's desire, to finally this issue forward. I think as we heard from Mr. Fernandez and Ms. Allison is here, and she can speak for herself on the issue of whether or not they would act in some obstructionous way based on, I think, what I heard from both of them, that's not the case. These are two committed individuals, conservationists, if you will, who want to work with those because of their knowledge, because of their experiences, to help us, if it is at all possible, locate An ATV park somewhere in Suffolk County. Just what other appointments are pending right now absent the statutory ones?

**MS. KNAPP:**

As you may know, there are 11 members. The amendment if approved, IR 1458, would add the two that you have before you now. The existing 11 include the Commissioner of Parks, the Director of Planning, the Director of BRO, County Attorney, Chairman of Parks Committee, Legislator Schneiderman or his designee, a member of an environmental organization to be appointed by the Legislature.

**LEG. CARACCILO:**

Has that appointment been made?

**MS. KNAPP:**

I'm going to have to double check my records. I do believe that it has been.

**COMMISSIONER FOLEY:**

I don't look specifically at what those three were that I got today. I don't know which ones they are.

**MS. KNAPP:**

A member of an environmental organization to be appointed by the Presiding Officer, I'm going to assume that's what you got today, a member of the Off•Road Vehicle Association to be appointed by the Legislature, a member of a national or regional motorcycle association to be appointed by the Legislature, New York State Off•Highway Vehicle Association, to be appointed by the Legislature, and a member of the Public Safety Community to be appointed by the Presiding Officer. So assuming that the Presiding Officer's appointments have been made, we still need members from one, two, three, four, five.

**LEG. CARACCILO:**

Any there any resolutions pending in this committee or elsewhere to make those appointments by name? Do they have to be by name?

**MS. KNAPP:**

Yes. They have to be by name. And there's certainly nothing on our agenda today, however, if anything has been filed, I would have to double check with the Clerk if there's been a filing to be laid on the table at the next meeting. I can check that in just a moment and come back to you.

**LEG. CARACCILO:**

Okay. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

This gentleman might be eligible to be appointed as the environmental representative.

**LEG. CARACCILO:**

I don't want to go back and debate the two resolution. I mean, it was clear to me that there was an effort by the sponsor of this resolution to shut out these two organizations. This is an attempt to right that wrong. It's been said •• he's represented, the sponsor of the ATV Task Force, that these organizations don't want to participate. And once again, let me say that they are here, they've demonstrated a commitment, a desire, a willingness to work with others to try to achieve the final goal here.

So if the other appointments •• it seems to me that six out of the 11 are Legislative appointments of one sort or another. If three have been made, that means three are still

pending. I don't want to substitute these two organizations for any of those others unless the sponsor or somebody else wants to work with me to accomplish that goal. I think •• I'm not aware of an environmental organization that has the involvement in our trails system like these two groups. So, Commissioner, do you want to comment on that? What's your experience so far with both these organizations and their stewardship on behalf of County residents?

**COMMISSIONER FOLEY:**

They're both very involved organizations, they do good work. We appreciate the partnership and that of many other organizations.

**LEG. CARACCILOLO:**

If we didn't have these organizations doing what they do, what would be the result?

**COMMISSIONER FOLEY:**

We wouldn't have the level of maintenance and care for trails that you have, both hiking trails and horse rider trails.

**LEG. CARACCILOLO:**

Right. You would have a lot of overgrowth, a lot of stunts where people could get injured and the County could have liability. I mean, I have been on the trails that George made reference to. We opened one a couple of years ago, I guess about three years ago now, in Manorville, a handicapped access trail. You know, the County has a lot that it rightfully should be proud of. And as I've stated and I'm going to restate, it's not my desire nor do I believe it's anyone's desire that I'm aware of to stifle the ATV Task Force. In fact, just the opposite. But I think that has to be done in the day of light •• light of day rather and with participation of a diverse group of organizations, and these organization want to serve.

**CHAIRMAN SCHNEIDERMAN:**

I have several over Legislators who wish to comment or ask questions. Legislator Alden.

**LEG. ALDEN:**

Just an observation. First, the letter I have before me is from the Nassau•Suffolk Horsemen's Association, and it's signed by the president, and he is appointing a representative. The second letter I have before me is just by George. And just the distinction I'm going to make between the two of these, you know, one of them is from the ••

**CHAIRMAN SCHNEIDERMAN:**

This question has been asked. It's a good point. He didn't have the letterhead.

**LEG. ALDEN:**

He is the president?

**LEG. CARACCILO:**

No. He is their representative and he will provide it on letterhead.

**CHAIRMAN SCHNEIDERMAN:**

From that organization? He has represented for the record that he is the designee of that organization.

**LEG. ALDEN:**

And we are going to get some kind of documentation?

**CHAIRMAN SCHNEIDERMAN:**

He will provide that. He is nodding affirmatively.

**LEG. ALDEN:**

Secondly, you know, like, they seem like very nice people, and I'm glad they came down to talk to us, but I just would have a question of Counsel, but she is out of the room right now when I'm going to ask this. But slots 12 and 13 don't exist. So, you know, while it was nice to have them down here, and we don't have to have them back, but at a future if slots 12 and 13 are created, then I think we can take action on this. But my question would be whether we can even take action on this today. I don't think it's legal to do that. You can't appoint somebody to something that doesn't exist.

**CHAIRMAN SCHNEIDERMAN:**

Counsel has informed me that, yes, that that is correct, that we can't do anything with it today until those slots are created. However, there is one position for an environmental organization that Mr. Fernandez probably, you know, could qualify for, but the resolution would have to be worded differently.

**LEG. ALDEN:**

And you'd have to submit a resolution, so that's subject to, you know, laying on the table, the

whole requirement.

**CHAIRMAN SCHNEIDERMAN:**

Exactly.

**LEG. ALDEN:**

Good. So are we going to do the agenda now?

**CHAIRMAN SCHNEIDERMAN:**

We're getting there. Legislator Carpenter.

**LEG. CARPENTER:**

Basically my question was answered as far as legally whether or not we could act before the openings actually existed.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Montano.

**LEG. MONTANO:**

Legislator Alden answered and dealt with the exact question I was going to ask.

**CHAIRMAN SCHNEIDERMAN:**

I'll ask our Commissioner if there's anything else he would like to share with us from the Parks Department?

**COMMISSIONER FOLEY:**

I didn't come prepared to share anything with you. I've given you a letter that notifies you of some action we're taking in regard to one out contracted partners. I can't get into great deal about it, but that is going on, it started yesterday.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Question from Legislator Alden.

**LEG. ALDEN:**

Just on the action with Friends, do we have any provisions or have we made any provisions to replace them in certain programs? Like, for instance, there are some programs here and

historic places that they actually operate, you know, the whole facility. So in the event that they do exactly what's asked here and walk away from this or pay us and then cease to perform, what are our plans to take over some of these sites?

**COMMISSIONER FOLEY:**

Of course, as the letter points out, they have 30 days to cure all of the problems cited. If they do that then presumably they will still be there. If that is not the case, it's my assumption today that the County would take over most of those functions itself. And we will be presenting a proposal that would allow us to do that.

**LEG. ALDEN:**

Are we going to need more personnel?

**COMMISSIONER FOLEY:**

Yes.

**LEG. ALDEN:**

Keep us up on that. We need to know that as quick as possible.

**COMMISSIONER FOLEY:**

I understand.

**LEG. ALDEN:**

Good. Okay.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Montano.

**LEG. MONTANO:**

I read the letter, Commissioner, that you gave me earlier. Thank you. I'm not up on the issue. Quick question, is the County planning to commence action against Friends to recoup the money you claim was improperly spent?

**COMMISSIONER FOLEY:**

I think it's premature to answer that question. They have term, 30 days, to cure any problems that were cited, and I think we need to give them that time to see what they do before we



answer that.

**LEG. MONTANO:**

So you're making a demand for everything within the 30 days?

**COMMISSIONER FOLEY:**

They have 30 days in which to sure the property. So that cure may come in a number of ways.

**LEG. MONTANO:**

Okay. All right. Thank you very much.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Carpenter.

**LEG. CARPENTER:**

I really just want to follow up on something Legislator Alden mentioned, that if, in fact, they do not rectify the situation in that 30 days period, that we really are in position to take over the responsibilities of any of the sites that they are operating. And I could be wrong, but is not the Big Duck and the St. James General Store two of those sites that they have personnel in?

**COMMISSIONER FOLEY:**

Yes.

**LEG. CARPENTER:**

So that we would be ready so that there would be a seamless operation and we wouldn't, you know, lose any of the potential revenue that comes in or disappoint anyone that coming to visit hat really are two vert attractive tourist destinations.

**COMMISSIONER FOLEY:**

That's our hope. To the best of your ability.

**LEG. CARPENTER:**

And if that's going to, you know, require any Legislative action, that you be prepared, because we are not meeting until two days after that 30 day window that you have given or have allowed them. So it seems to me we would have to have the County Executive ready with CNs

if necessary so that when we meet on the 26th we could to act make sure that nothing is left unattended.

**COMMISSIONER FOLEY:**

We are moving as quickly as we can, but not abridging his right to a hearing by doing anything presumptuous too soon.

**LEG. CARPENTER:**

Okay. And given the amount of dollars that have been identified in this letter, I really want to thank you and everyone involved for acting, you know, in the best interest in the County, because if everything that we see here, you know, is true, it really is unfortunate that it has, you know, been left unattended for so many years. Because this is something, you know, as members of the Parks Committee, I know both Legislator Alden and myself, you know, have asked about over the past couple of years. So I'm happy to see that some action has been taken.

**LEG. ALDEN:**

Don't transport anybody from Smith Point out there to run any of these facilities.

**COMMISSIONER FOLEY:**

Point taken. We're working on that too.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Fisher.

**LEG. VILORIA • FISHER:**

Thank you. How will this affect the productions at Deepwells?

**COMMISSIONER FOLEY:**

There are in kind of a limbo state. Those programs, especially the Holiday Program around •• in December was funded primarily by the hotel•motel tax. Getting that all approved was somewhat delayed. We have been working through the contract necessary to move that money. I'm less than eager to continue moving in that direction right now until we see what the resolution of this is. So we may have no program this year or we may have a reduced program from what you have seen in the past. I'm not exactly sure today. Some things are

going to be affected by this. It's just inevitable.

**LEG. VILORIA • FISHER:**

It's a shame because, the community has come to anticipate the program's continuation. Certainly another very important program at Deepwells is Ms. Gaynor's Teas, which brought people from all over Nassau and Suffolk County to those teas. They were always very well attended. And I feel when there's a disruption in a program and the continuity is disrupted, people no longer have it on their agenda for their holiday activities. And so I'm concerned that if there's a disruption in that continuity, we may run into problems in future years getting the audience back.

**COMMISSIONER FOLEY:**

We're concerned also. And I wouldn't disrupt anything if I could find the level of confidence that everything was going the way it should. And I couldn't achieve that, so we're •• we're making some changes, I believe.

**LEG. VILORIA • FISHER:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

There are several others. Legislator Caracciolo.

**LEG. CARACCIOLO:**

Thank you. Commissioner, we're on the eve of the County Executive in, I guess, four or five weeks time submitting the Operating Budget for next year. Obviously, your department has submitted a budget request. What were the guidelines with respect to that budget request?

**COMMISSIONER FOLEY:**

The guidelines were to submit a flat request, no increase and a second one with a 10% reduction.

**LEG. CARACCIOLO:**

What is the •• sounds like a good conservative to me. What is your year to date revenue forecasts for '04? Are we ••

**COMMISSIONER FOLEY:**

I didn't come with that.

**LEG. CARACCILO:**

We don't track revenues?

**COMMISSIONER FOLEY:**

Well, we do track it, but you asked me for the forecast.

**LEG. CARACCILO:**

I mean, based on what you received. I mean, here we are at the height of the season.

**COMMISSIONER FOLEY:**

We're doing better than last year, but we also anticipated to do somewhat better. We're not up to what 2002 was, but there's been an improvement. I don't think it is so far improved or bad that it varies a great deal from prior years.

**LEG. CARACCILO:**

Well, you know, looking forward to '05, a flat budget would mean precisely what? This year's budget was, what, about 14 million?

**COMMISSIONER FOLEY:**

Yes. It would mean 14 million, which •• there were some •• well, you will see it when you see it, I guess. We were able to keep most things whole and still live within the guidelines. It's tough to explain it here without having it in front of me. We stayed within the guidelines, and we kept everything as whole and in tact as we could.

**LEG. CARACCILO:**

Now how much money do we generate •• I remember the percentages, but I also have your revenue reply letter, you know, in response to some information I requested. It seems to me that the last several years, total revenues that have come into Parks have been in the seven or \$8 million neighborhood.

**COMMISSIONER FOLEY:**

Roughly. Correct. Yes.

**LEG. CARACCILO:**

Okay. Because I can remember figures people on this horseshoe recited just as recently as last year including out own budget Office, Budget Review Office that, you know, 86%, 78%, way up there of the total expenditures in Park is generated through park fees. That does not appear to be the case, is it?

**COMMISSIONER FOLEY:**

I've seen those same numbers talked about, but I'm not sure in what context the ••

**LEG. CARACCILO:**

The facts don't bear that out. And I think that's important for Legislators to learn, that •• I mean, I was surprised when I got your reply to see that we are only materializing about seven or \$8 million a year in park fees and concession fees. That's everything, right? I mean was there anything left out of that information you provided me, other revenues that were not ••

**COMMISSIONER FOLEY:**

The only other thing, and again, I'm not looking at what I gave you, I don't know if concession revenues were in there as part of that. I don't recall.

**LEG. CARACCILO:**

I believe they were.

**COMMISSIONER FOLEY:**

If they were in there, then that's the only ••

**LEG. CARACCILO:**

Maybe they're not complete. I'm going to send you another letter just having you clarify a few points. But I think that's just a good primer for us to begin to work with our own minds as we look at the budget next year, because that means one of two things to me. That means there's going to be, if it's a flat budget, well, then we should be okay. If we want to provide additional money for Park services, that means either a tax increase or fee increase or a combination of both. So we will talk more about that as we get into the in Operating Budget in September and October. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Thank you, Commissioner Foley. Is there someone here from economic •• Cultural Affairs?  
Okay. Then we will move directly to the agenda.

**INTRODUCTORY RESOLUTIONS**

**1753•04. Authorizing the use of Smith Point County Park Property, Cathedral Pines County Park, Southaven County Park, and Smith Point Marina by the Long Island 2 Day Walk To Fight Breast Cancer, Inc., breast cancer walk. (O'LEARY)**

**CHAIRMAN SCHNEIDERMAN:**

Is there a motion?

**LEG. O'LEARY:**

Motion.

**LEG. CARPENTER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

All those in favor? Any opposed?

**LEG. ALDEN:**

Cosponsor.

**LEG. CARPENTER:**

Cosponsor.

**LEG. COOPER:**

Cosponsor.

**CHAIRMAN SCHNEIDERMAN:**

That's **APPROVED. (VOTE:8•0•0•0)**

**1763•04. Amending Resolution No. 1310•1996, authorizing the Town of**

**Southampton to utilize the County's waste pump•out facility at the Shinnecock Marina. (COUNTY EXEC)**

**LEG. CARACCIOLO:**

Explanation. Sound pretty straight forward, but...

**CHAIRMAN SCHNEIDERMAN:**

Commission Foley is approaching the table to explain.

**LEG. CARACCIOLO:**

Commissioner, just briefly, what are the terms and conditions of this use agreement?

**COMMISSIONER FOLEY:**

There was an old agreement preexisting this one that called for the town to reimburse our dumping fees, I think. And we found that it never had been applied in that way. And it was also our judgment that it shouldn't be. The fees are so small, it's more of an irritant to go through the billing process than it is to just cooperate with the town, because they help us out by going around with their boat and reducing the number of boats that come to our facility. It's a good partnership; we're helping the town, the town is helping us. We don't think there should be a fee there.

**LEG. CARACCIOLO:**

So is this something new, this arrangement? Does it depart from the previous arrangements with this town or other towns?

**COMMISSIONER FOLEY:**

I think it's the only arrangement we have with the town in regard to boat dumping facilities. This changes it in that it does away with that requirement for that fee.

**LEG. CARACCIOLO:**

So you're saying that from a County perspective it's fair and equitable for the County taxpayer?

**COMMISSIONER FOLEY:**

Yes. Yes.

**CHAIRMAN SCHNEIDERMAN:**

I'll make a motion. Is there a second?

**LEG. O'LEARY:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Seconded by Legislator O'Leary. All in favor? Any Opposed? Passed and carried. **Approved.**  
**(VOTE:8•0•0•0)**

**1778•04. Appropriating funds in connection with improvements to water supply systems in County Parks. (COUNTY EXEC)**

**LEG. CARPENTER:**

Motion.

**LEG. COOPER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion and a second.

**LEG. CARACCILOLO:**

On the motion.

**CHAIRMAN SCHNEIDERMAN:**

On the motion, Commission Foley.

**LEG. CARACCILOLO:**

Location?

**COMMISSIONER FOLEY:**

That's Timber Point. It's a new water main system through Timber Point, I think out to the Marine Bureau of the Police Station.



**CHAIRMAN SCHNEIDERMAN:**

Is there a motion? There's a motion and a second. All in favor? Any Opposed? **APPROVED.**  
**(VOTE:8•0•0•0)**

**1788•04. Authorizing use of Cupsogue Beach County Park by Mayer and Company March for Charity Foundation for their Breast Cancer Walk•A•Thon. (COUNTY EXEC)**

**CHAIRMAN SCHNEIDERMAN:**

Is there a fee associated, Commissioner?

**COMMISSIONER FOLEY:**

I'm looking. Yes, 125.

**LEG. CARACCILO:**

Now I have to comment.

**CHAIRMAN SCHNEIDERMAN:**

Okay. We'll start with Legislator Caracciolo.

**LEG. CARACCILO:**

I can remember former Legislative Counsel, Mr. Sabatino, making the case time and time again to me personally with regard to these arrangements and use of County facilities and parks as well as other Legislators right here at the horseshoe. One hundred and twenty five dollars is simply not enough money. This is a County Executive resolution? It's for a good cause. I mean, why want we charge something a little bit more fair and equitable, like \$500, which he argued with me constantly would be a fair, you know, amount of money? We're not talking about a lot of money. If this is a charity fundraiser, a lot of money is going to be raised. I mean, we can't do it for nothing, but I don't know that \$125 meets any legitimate threshold.

**CHAIRMAN SCHNEIDERMAN:**

It's a Breast Cancer Walk•a•Thon. I frankly would say waive the fee entirely.

**LEG. CARACCILO:**

We can't. By law, we can't.

**CHAIRMAN SCHNEIDERMAN:**

Let me hear from Legislator Alden as well.

**LEG. ALDEN:**

I'd like to hear Ben's answer.

**MR. ZWIRN:**

I think that •• I think the only point that the County Executive made was that we had to be consistent, that's all. I think that's what we made in the beginning.

**LEG. CARACCILO:**

That's my point.

**MR. ZWIRN:**

And I think that maybe it's time to reduce the fees or, you know, make them •• I mean, whatever. Whatever the Legislature decides to do. But then once the fees are set, whatever the levels are, just stay with them.

**LEG. CARACCILO:**

Ben, the one thing that bugs me as much as anything around here is double speak and double talk and double standards. To have Legislative Counsel who is now Chief Deputy County Executive come forth and say 125 is a reasonable amount when for years he sat at this horseshoe and said just the opposite is B.S..

**MR. ZWIRN:**

Those are the fees that you set, and the County Executive is just charging them what the Legislature has set to charge them.

**LEG. CARACCILO:**

Who in the Legislature is saying to charge this organization \$125?

**MR. ZWIRN:**

That is the fees that have been set for the parks.

**LEG. VILORIA • FISHER:**

Set for other walks.

**MR. ZWIRN:**

So you can change them.

**LEG. CARACCILO:**

I don't know that to be an accurate statement. Because I know when I have had organizations come forward, we have charged a minimum of 250 to \$500.

**COMMISSIONER FOLEY:**

This is consistent with the fee schedule that has been approved by the Legislature given the number of people they represented would participate in this.

**LEG. CARACCILO:**

How many participants are there.

**COMMISSIONER FOLEY:**

Again, I don't have it, but it's 100, I think, is what the \$125 applies to.

**MS. CAPUTI:**

Chapter 686 of the Suffolk County Code sets out the fees based on what kind of event and the number of people, and that is 125.

**LEG. CARACCILO:**

Do you have a copy of that here?

**MS. CAPUTI:**

I think I do, yes.

**LEG. CARACCILO:**

I'd appreciate a copy.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Alden.

**LEG. ALDEN:**

Ben I don't know if you can answer this for me, but who is Mayor and Company?

**COMMISSIONER FOLEY:**

They are a certified public accountant business advisor. This is their Second Annual Mayor March For Charity. They do it in conjunction with WALK FM, Women's Breast Cancer Fund.

**LEG. ALDEN:**

You know what? A breast cancer walk•a•thon, I'm all for. But here's a little bit of the problem I have. If they are going to raise some money, and it's a substantial amount of money and a lot of that goes to fees or overhead, things like that, then I think that we owe it to the taxpayers to take a look at that and just •• when they come forward, you know, what they going to do with the money? How are they spending it in a corporate form? Is this a corporate form? Does 100% of the money go to charity? You know, that kind of thing. And this would be upon incumbent upon the County Executive, because this is his resolution. I know that if it's a group that I put something forward for, I'm prepared to answer those questions.

**COMMISSIONER FOLEY:**

I'm not arguing with you. I only say that if we were required to do that for everyone that comes forward with one of these, we just wouldn't have the capability to ask the questions and do the oversight.

**MR. ZWIRN:**

Why don't I just add, I mean, don't know if Legislator O'Leary who sponsored the last walk•a•thon know the background of the group, I mean, what their financials are. And I don't •• I don't expect that you do. I mean, I think we take a lot of these non•for•profit groups as doing the right thing for the right reasons. And I don't know if your office is prepared when you sponsor one to be able to go back and check into their background as well. It may not be a bad idea, but I think we just have to ••

**LEG. ALDEN:**

No. I'm throwing it out as a concept, because they are paying •• according to testimony that just came before us, they're going to pay the statutory fee. So that pretty much ends our, you know, I guess, responsibility as far as what they do with the money. Although in our decision making process, if somebody's going to do something for profit, would they pay the same fee to use a County park?

**COMMISSIONER FOLEY:**

May I clarify one thing? This is, although the same company name, they have an IRS determination here that Mayor and Company March For Charity Foundation Inc., is a 501 C•3 organization. So this is a registered charity that must be division of this company.

**LEG. ALDEN:**

Okay. And that's pretty much the line that I would •• I would hope that maybe in the future that, you know, we start looking at •• especially if we're going to waive a fee or if we're going to, you know, go with reduced fees. This seems like, you know, a low amount for somebody to pay to come into a County park if they're going to do something like raise money to pay their executive salaries and things like that, even if it is a 501 C•3. We all know that there's no requirement that the money has to actually go to a charitable purpose. They can actually have a corporate structure that takes up most of the money.

**COMMISSIONER FOLEY:**

My only problem with that is you are talking a level of oversight that we're not capable of providing today.

**LEG. ALDEN:**

All right.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Montano.

**LEG. MONTANO:**

Quick question. We just passed Resolutio 1753 for use of the park at \$50, and this Resolution 1788 is at 125. And you are saying that there's an established fee structure. Was the first resolution, 1753, in accordance with that fee structure?

**COMMISSIONER FOLEY:**

I'd have to check. I'm not certain.

**LEG. MONTANO:**

Why would there be a difference if it's a structured fee •• if it's structured?

**COMMISSIONER FOLEY:**

The only guess I would have at this point is there's a different number of people.

**LEG. O'LEARY:**

If I may by way of explanation to Legislator Montano with respect to my resolution for the Long Island 2 Day Breast Cancer Walk. That encompasses four separate venues, \$50 per diem, and the total fees are \$500 for the three day event.

**LEG. MONTANO:**

Is that in accordance with the fee structures that's in existence now?

**COMMISSIONER FOLEY:**

I would have to get back to you. I would have to check.

**LEG. MONTANO:**

Do you know Legislator O'Leary whether or not that's in accordance with the fee structure?

**LEG. O'LEARY:**

It's in the past practice of last year's event. As far as the fee structure, this body determines the structure itself as a matter of record.

**LEG. MONTANO:**

I think the fee structure is established. I think we waive it if we want to. Is that accurate?

**LEG. O'LEARY:**

That's correct.

**LEG. MONTANO:**

Okay. And 1753, we don't know whether or not we waived it or whether that's the fee structure. We just what they did last year?

**COMMISSIONER FOLEY:**

We go with the direction of the Legislature. I would have to check their application to see what number of people going to be part of this event to answer your question.

**LEG. MONTANO:**

Okay. When you get a chance, if you can just send to my office the fee structure based on the number of people, so I'll know in the future whether or not we're not waiving it or whether or not we are consistent. Thank you.

**COMMISSIONER FOLEY:**

I will do that.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Carpenter.

**LEG. CARPENTER:**

I just would like to state for the record I happened to be there when the proceeds of the 2 Day Breat Cancer Walk were given to the various breast cancer coalitions from across Suffolk County. And I find it interesting that that particular event, which was a first time event raised over \$250,000 for breast cancer research, every single penny was donated back or donated to the breast cancer coalitions. And that was a first year event, the 2 Day Breast Cancer Walk that Legislator O'Leary sponsored.

And it was interesting too at that presentation ceremony, they couldn't say enough about Legislator O'Leary and his office and how they helped facilitate and work with them in contributing to the success of it. This other one that we have before us now is a second year event. And if you look at the backup, they raised \$25,000. So I find that a little bit, you know, wanting to question how an event that •• you know, one raised 250,000, and this other one is stating that they raised 25,000 and how they could only expect 100 participants or project that they have only 100 participants when my experience with these things has been that generally even a first time event you get a couple of hundred people that will come out for a walk and not even for something as compelling as raising funds for breast cancer research.

**LEG. MONTANO:**

I don't disagree with you. And it's certainly important with respect to what organization uses the park and what percentage of the money that is made by the not•for•profit goes for administrative costs versus goes to actually, you know, dealing with the purposes of the organization.

My question was simply with respect to the consistency in charging fees for all of the organization that may come forward. That's the only point I'm making. The issue of whether or not a particular charity is doing a good job or they're administrative costs are too high for purposes of us wanting to support them I think is a separate issue. And I agree with you on that, I think we should look at some of these organization to see whether or not •• and see how the money is going. And I know when I worked with the Attorney General's Office, we actually put a report together called Pennies for Charities, and we were looking at the administrative cost in some of these associations to see whether or not they were doing their job. And we should look at that.

**CHAIRMAN SCHNEIDERMAN:**

All right. Let's go back to the resolution. 1788, there was a motion and a second. All in favor? Any opposed? Passed. **Approved. (VOTE:8•0•0•0)**

**1789•04. Applying for a grant from the New York State Department of Parks, Recreation and Historic Preservation for the restoration of Sagtikos Manor. (COUNTY EXEC)**

**LEG. CARPENTER:**

Motion.

**LEG. MONTANO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Motion and a second.

**LEG. CARPENTER:**

Cosponsor.

**LEG. ALDEN:**

Cosponsor.

**CHAIRMAN SCHNEIDERMAN:**

Several cosponsors. Who's cosponsoring? Legislator Carpenter, Legislator Alden. Legislator Montano, are you a cosponsor as well?



**LEG. MONTANO:**

Absolutely.

**CHAIRMAN SCHNEIDERMAN:**

Okay. **APPROVED. (VOTE:8•0•0•0)**

**1804•04. Appointing members to the ATV Task Force, (Slot Nos. 12 and 13). (CARACCIOLO).**

**LEG. CARACCIOLO:**

Motion to table.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion to table by the sponsor, seconded by Legislator O'Leary. All in favor? Any opposed? Okay. That's

**Tabled. (VOTE:8•0•0•0)**

**1808•04. Amending Resolution No. 322•3004 to extend a deadline for ATV Task Force. (CRECCA)**

**LEG. CARPENTER:**

Motion.

**LEG. COOPER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion and a second. All in favor? Any Opposed? Passed. **Approved. (VOTE:8•0•0•0)**

## **TABLED RESOLUTIONS**

**1027•04. Establishing a turf policy for athletic fields in Suffolk County Parks.**

**(BISHOP)**

**CHAIRMAN SCHNEIDERMAN:**

Moving on to tabled primes. The sponsor has ••

**LEG. BISHOP:**

May I ask the Clerk if I can verbally withdraw this? Can you take care of that for me?

**CHAIRMAN SCHNEIDERMAN:**

Can it be withdrawn? Okay. So we don't have to take action and consider it **withdrawn**.

**(VOTE:8•0•0•0)**

**1388•04. To establish Community and Youth Services Program at Sheep Pasture Road in port Jefferson/Setauket, New York. (VILORIA•FISHER)**

**LEG. VILORIA•FISHER:**

Counsel, has CEQ made a determination on this?

**MS. KNAPP:**

I tried to get Jim Bagg this morning. Unfortunately, I wasn't able to reach him just to double check. They had not made a determination the last time I spoke with them about it. I don't know if you have any more recent information, Commissioner?

**COMMISSIONER FOLEY:**

I don't. I don't believe they have dealt with it.

**LEG. VILORIA•FISHER:**

Motion to table.

**LEG. CARPENTER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Discussion on the tabling motion. I can't imagine why this would have any kind of an environmental impact. I would say why don't we discharge it without recommendation so that we can get it in front of the full Legislature and by then hopefully CEQ will have an answer. We cannot?

**LEG. VILORIA • FISHER:**

We can't. We have to have CEQ determination. Thank you, Mr. Chair, but we can't do it without CEQ.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So I'm being told we can't do that. So then there's a motion to table and a second. All in favor? Opposed? **Tabled. (VOTE:8•0•0•0).**

That concludes our agenda. We are adjourned. I'm sorry, Legislator Alden.

**LEG. ALDEN:**

I just had a couple of questions.

**CHAIRMAN SCHNEIDERMAN:**

We are not adjourned.

**LEG. ALDEN:**

Budget Review, the Long Island Environmental Boaters Forum, and I'm going to give a couple of names to you, Lorintz, Amper, Michaels, Hauger, Seligson, Meng, any organizations that they belong to, do we give money to? Does Suffolk County have any financial arrangements with or anything like that?

**MR. SPERO:**

I'm not familiar with the agency name that you just cited.

**LEG. ALDEN:**

No. I'm just giving it to you so you can look into it and find out, because ••

**MR. SPERO:**

I'll check for you.

**LEG. ALDEN:**

And if we do, prepare a resolution that would take away any funding that we give them. And I'm going to ask the County Attorney's Office to analyze a letter that I was given, because I believe it's a personal threat. I really want some action on this. I'm going to The DA, and I might even consider personally bringing an action, but I might have Suffolk County bring an action, because in this letter, they also claim, you know, some of governmental argument against affordable housing on Long Island. But that's a separate issue. Politically I feel that this was inappropriate. I also feel that a personal attack of this nature has no business being brought or sent in the mails like this. And if we have any dealings with these people or with this organization in Suffolk County, we should actually take action to sever it and then take legal action against them. So I'll be giving you a copy of this. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Fisher.

**LEG. VILORIA • FISHER:**

I have no idea what this letter is about. Are you going to share that with us as well?

**LEG. ALDEN:**

I'm asking for legal action, so when and if we find that appropriate •• also the report that we get, I'll be more than happy to share.

**LEG. VILORIA • FISHER:**

It's being distributed to this committee?

**LEG. ALDEN:**

After I get it back.

**LEG. VILORIA • FISHER:**

Okay.

**CHAIRMAN SCHNEIDERMAN:**

Meeting is adjourned.

**(\* THE MEETING WAS ADJOURNED AT 12:45 P.M. \*)**

**\\_ \\_ DENOTES BEING SPELLED PHONETICALLY**